

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CRIMINAL NO. 3:04CR190

UNITED STATES OF AMERICA)
)
)
)
VS.) ORDER
)
)
THOMAS L. JACOBS)
)

THIS MATTER is before the Court on the Defendant's *pro se* motion to "defer financial payments while incarcerated." The motion is denied.

The Bureau of Prisons has the authority to place a defendant in the Inmate Financial Responsibility Program based on the wording contained in the criminal judgment. ***United States v. Watkins***, 161 F. App'x 337 (4th Cir. 2006); ***Bramson v. Winn***, 136 F. App'x 380 (1st Cir. 2005). Prior to seeking relief from any court concerning obligations under that program, the defendant is required to exhaust all administrative remedies through the Bureau of Prisons. ***McGhee v. Clark***, 166 F.3d 884, 885-87 (7th Cir. 1999). Thereafter, a defendant may challenge such payments but only by filing the appropriate pleading in the district court of confinement, not with

the sentencing court. ***Matheny v. Morrison*, 307 F.3d 709, 712 (8th Cir. 2002); *Moore v. Olson*, 368 F.3d 757, 759 (7th Cir. 2004).**

Additionally, because the Defendant's case is presently on appeal, this Court has no jurisdiction to issue a ruling on his motion. Defendant is further advised that he may not file *pro se* motions with the Court since he is represented by counsel. Any matter warranting the Court's attention must be filed through his attorney.

IT IS, THEREFORE, ORDERED that the Defendant's motion to "defer financial payments while incarcerated" is hereby **DENIED**.

Signed: March 22, 2007



Lacy H. Thornburg
United States District Judge

